

No. 09-02494-CRF-272

STATE OF TEXAS § IN THE DISTRICT COURT
 §
v. § OF BRAZOS COUNTY
 §
GREGG BAIRD § 272nd JUDICIAL DISTRICT

DEFENDANT-APPELLANT'S REQUEST FOR FINDINGS OF FACT
AND CONCLUSIONS OF LAW ON DENIED
MOTION TO SUPPRESS EVIDENCE

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, Gregg Baird, Defendant-Appellant in the above styled and numbered cause and files this request for findings of fact and conclusions of law on any denied motion to suppress evidence and would show this honorable Court the following:

I.

Defendant-Appellant was convicted of ten counts of possession of child pornography. The sentences were imposed in open court on July 29, 2010. Timely notice of appeal to the Tenth Court of Appeals is being filed simultaneously with this motion.

II.

On February 26, 2010 the trial court denied a motion to suppress evidence filed by defendant-appellant.

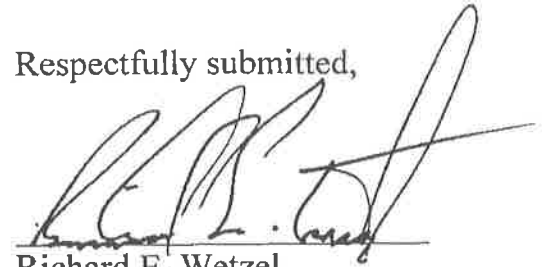
III.

As the non-prevailing party on the motion to suppress, defendant-appellant hereby files his request for the trial court to make findings of fact and conclusions of law adequate to provide an appellate court with a basis upon which to review the trial court's application of the law to the facts upon denying the motion to suppress.

The requirement to make such findings and conclusions upon request of the non-prevailing party is recognized in State v. Cullen, 195 S.W.3d 696, 699 (Tex.Crim.App. 2006). Upon request of the non-prevailing party, a trial court has twenty days to enter findings and conclusions. Cullen, 195 S.W.3d at 699. The failure to enter requested findings and conclusions will result in abatement by the appellate court to the trial court for entry of the findings and conclusions. Blocker v. State, 231 S.W.3d 595, 598 (Tex. App. – Waco 2007, no pet.).

WHEREFORE, PREMISES CONSIDERED, defendant-appellant respectfully requests the entry of written findings and conclusions on any motion to suppress evidence denied by the trial court in the litigation of the above styled and numbered cause. Defendant-appellant further requests that such findings and conclusions be filed with the clerk among the papers of the cause.

Respectfully submitted,



Richard E. Wetzel

State Bar No. 21236300

1411 West Ave., Suite 100
Austin, Texas 78701

(512) 469-7943

(512) 474-5594

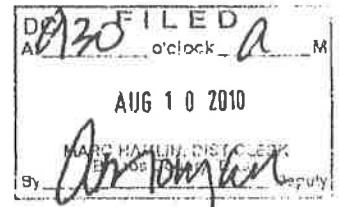
Attorney for Appellant
Gregg Baird

CERTIFICATE OF SERVICE

This is to certify a true and correct copy of this pleading was mailed to Counsel for the State of Texas, Shane Phelps, Assistant District Attorney, 300 E. 26th Street, Ste. 310, Bryan, Texas, 77803, on this the 2nd day of August, 2010.



Richard E. Wetzel



NO. 09-02492-CRF-272
NO. 09-02493-CRF-272
NO. 09-02494-CRF-272
NO. 09-02495-CRF-272
NO. 09-02496-CRF-272
NO. 09-02497-CRF-272
NO. 09-02498-CRF-272

STATE OF TEXAS	§	IN THE DISTRICT COURT
	§	
VS.	§	BRAZOS COUNTY, TEXAS
	§	
GREGG BAIRD	§	272 ND JUDICIAL DISTRICT

**DEFENDANT'S OBJECTION TO FINDINGS OF FACT AND
CONCLUSIONS OF LAW**

To the findings of fact three (3), Dawn Killian's testimony was not consistently credible as can be seen in page thirty-five (35) of the preliminary transcript where the State's expert admits that she had to change the setting in the computer so that she could see thumbnail images of what was child pornography. Furthermore, on page forty (40) of the preliminary transcript her claim that she dragged music onto the computer was, according to the State's own expert, not supported by the evidence. Furthermore, the State's own expert indicated that there was no music deleted off of the computer that night. This would completely undermine the testimony of Dawn Killian.

No objection to five (5).

No objection to six (6).

No objection to seven (7).

No objection to eight (8).

No objection to nine (9).

To the findings of fact ten (10), Gregg Baird placing a limitation or restriction on Dawn Killian's access to his computer, nor did he give her permission to utilize that computer.



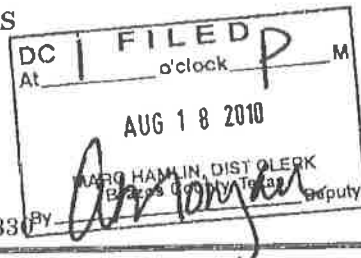
CASE NO. 09-02494-CRF-272 COUNT ONE
INCIDENT NO./TRN: 9127679136

THE STATE OF TEXAS

V.

GREGG BAIRD

STATE ID No.: TX04840330

§
§
§
§
§
§
§IN THE 272ND DISTRICT

COURT

BRAZOS COUNTY, TEXAS

JUDGMENT OF CONVICTION BY COURT—WAIVER OF JURY TRIAL

Judge Presiding:	HON. TRAVIS BRYAN, III	Date Judgment Entered:	7/29/2010
Attorney for State:	SHANE PHELPS AND RAY THOMAS	Attorney for Defendant:	JIM JAMES

Offense for which Defendant Convicted:

POSSESSION OF CHILD PORNOGRAPHY

Charging Instrument:
INDICTMENT

Statute for Offense:
43.26(a) Penal Code

Date of Offense:
5/13/2009

Degree of Offense:
3RD DEGREE FELONY

Plea to Offense:
GUILTY

Findings on Deadly Weapon:
N/A

Terms of Plea Bargain:
NONE-OPEN PLEA TO COURT

Plea to 1st Enhancement Paragraph: N/A

Plea to 2nd Enhancement/Habitual Paragraph: N/A

Findings on 1st Enhancement Paragraph: N/A

Findings on 2nd Enhancement/Habitual Paragraph: N/A

Date Sentence Imposed: 7/29/2010

Date Sentence to Commence: 7/29/2010

Punishment and Place of Confinement: TEN(10) YEARS INSTITUTIONAL DIVISION, TDCJ

THIS SENTENCE SHALL RUN CONCURRENTLY WITH COUNTS 4-10 OF THIS CAUSE NUMBER. COUNT TWO TO RUN CONSECUTIVELY TO COUNT ONE (see Count Two Judgment). COUNT THREE TO RUN CONSECUTIVELY TO COUNT TWO (See Count Three Judgment).

☐ SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR N/A .

<u>Fine:</u>	<u>Court Costs:</u>	<u>Restitution:</u>	<u>Restitution Payable to:</u>
\$ 0.00	\$	\$	<input type="checkbox"/> VICTIM (see below) <input type="checkbox"/> AGENCY/AGENT (see below)

Sex Offender Registration Requirements apply to the Defendant. TEX. CODE CRIM. PROC. chapter 62

The age of the victim at the time of the offense was N/A .

If Defendant is to serve sentence in TDCJ, enter incarceration periods in chronological order.

From 6/11/2009 to 6/18/2009	From 7/29/2010 to 7/29/2010	From	to
Time Credited:	From to	From to	From to

If Defendant is to serve sentence in county jail or is given credit toward fine and costs, enter days credited below.

DAYS NOTES: N/A

All pertinent information, names and assessments indicated above are incorporated into the language of the judgment below by reference.

This cause was called for trial in Brazos County, Texas. The State appeared by her District Attorney.

Counsel / Waiver of Counsel (select one)

- ☒ Defendant appeared in person with Counsel.
☐ Defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.
 Both parties announced ready for trial. Defendant waived the right of trial by jury and entered the plea indicated above.
 The Court then admonished Defendant as required by law. It appeared to the Court that Defendant was mentally competent to stand trial, made the plea freely and voluntarily, and was aware of the consequences of this plea. The Court received the plea and



entered it of record. Having heard the evidence submitted, the Court found Defendant guilty of the offense indicated above. In the presence of Defendant, the Court pronounced sentence against Defendant.

The Court FINDS Defendant committed the above offense and **ORDERS, ADJUDGES AND DECREES** that Defendant is **GUILTY** of the above offense. The Court FINDS the Presentence Investigation, if so ordered, was done according to the applicable provisions of TEX. CODE CRIM. PROC. art. 42.12 § 9.

The Court **ORDERS** Defendant punished as indicated above. The Court **ORDERS** Defendant to pay all fines, court costs, and restitution as indicated above.

Punishment Options (select one)

☒ **Confinement in State Jail or Institutional Division.** The Court **ORDERS** the authorized agent of the State of Texas or the Sheriff of this County to take, safely convey, and deliver Defendant to the **Director, Institutional Division, TDCJ**. The Court **ORDERS** Defendant to be confined for the period and in the manner indicated above. The Court **ORDERS** Defendant remanded to the custody of the Sheriff of this county until the Sheriff can obey the directions of this sentence. The Court **ORDERS** that upon release from confinement, Defendant proceed immediately to the Brazos County Collections Department. Once there, the Court **ORDERS** Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

☐ **County Jail—Confinement / Confinement in Lieu of Payment.** The Court **ORDERS** Defendant immediately committed to the custody of the Sheriff of Brazos County, Texas on the date the sentence is to commence. Defendant shall be confined in the Brazos County Jail for the period indicated above. The Court **ORDERS** that upon release from confinement, Defendant shall proceed immediately to the Brazos County Collections Department. Once there, the Court **ORDERS** Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

☐ **Fine Only Payment.** The punishment assessed against Defendant is for a **FINE ONLY**. The Court **ORDERS** Defendant to proceed immediately to the Office of the Brazos County District Clerk. Once there, the Court **ORDERS** Defendant to pay or make arrangements to pay all fines and court costs as ordered by the Court in this cause.

Execution / Suspension of Sentence (select one)

☒ The Court **ORDERS** Defendant's sentence **EXECUTED**.

☐ The Court **ORDERS** Defendant's sentence of confinement **SUSPENDED**. The Court **ORDERS** Defendant placed on community supervision for the adjudged period (above) so long as Defendant abides by and does not violate the terms and conditions of community supervision. The order setting forth the terms and conditions of community supervision is incorporated into this judgment by reference.

The Court **ORDERS** that Defendant is given credit noted above on this sentence for the time spent incarcerated.

Furthermore, the following special findings or orders apply:

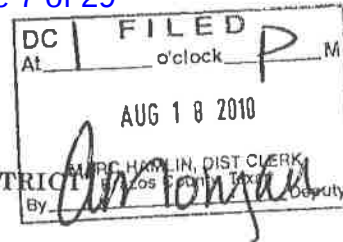
The Court FINDS that, with the consent of the State's attorney, Defendant admitted guilt as to the following unadjudicated offense(s), and the Court agreed to take the unadjudicated offense(s) into account in determining the sentence for the offense of which Defendant was adjudged guilty. Accordingly, the Court FINDS prosecution is barred for the following unadjudicated offense(s): Possession of Child Pornography, Cause No. 09-02494-CRF-272 Counts 11-13; Possession of Child Pornography, Cause No. 09-02492-CRF-272 Counts 1-4; Possession of Child Pornography, Cause No. 09-02493-CRF-272 Counts 1-3; Possession of Child Pornography, Cause No. 09-02495-CRF-272 Counts 1-20; Possession of Child Pornography, Cause No. 09-02496-CRF-272 Counts 1-20; Possession of Child Pornography, Cause No. 09-02497-CRF-272 Counts 1-20; Possession of Child Pornography, Cause No. 09-02498-CRF-272 Counts 1-20. TEX. PENAL CODE §12.45.

Signed and entered on the 6 day of Aug, 2010

JUDGE PRESIDING



CASE NO. 09-02494-CRF-272 COUNT TWO
INCIDENT NO./TRN: 9127679136



THE STATE OF TEXAS

V.

GREGG BAIRD

STATE ID No.: TX04840330

§
§
§
§
§
§

IN THE 272ND DISTRICT
COURT
BRAZOS COUNTY, TEXAS

JUDGMENT OF CONVICTION BY COURT—WAIVER OF JURY TRIAL

Judge Presiding:	HON. TRAVIS BRYAN, III	Date Judgment Entered:	7/29/2010
Attorney for State:	SHANE PHELPS AND RAY THOMAS	Attorney for Defendant:	JIM JAMES

Offense for which Defendant Convicted:

POSSESSION OF CHILD PORNOGRAPHY

Charging Instrument:

INDICTMENT

Statute for Offense:

43.26(a) Penal Code

Date of Offense:

5/13/2009

Degree of Offense:

3RD DEGREE FELONY

Plea to Offense:

GUILTY

Findings on Deadly Weapon:

N/A

Terms of Plea Bargain:

NONE-OPEN PLEA TO COURT

Plea to 1st Enhancement

Paragraph: N/A

Plea to 2nd Enhancement/Habitual

Paragraph: N/A

Findings on 1st Enhancement

Paragraph: N/A

Findings on 2nd

Enhancement/Habitual Paragraph: N/A

Date Sentence Imposed: 7/29/2010

Date Sentence to Commence: 7/29/2010

Punishment and Place of Confinement:

FIVE(5) YEARS INSTITUTIONAL DIVISION, TDCJ

THIS SENTENCE SHALL RUN CONSECUTIVELY (see below).

☐ SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR N/A .

Fine:

\$ 0.00

Court Costs:

\$

Restitution:

\$

Restitution Payable to:

☐ VICTIM (see below) ☐ AGENCY/AGENT (see below)

Sex Offender Registration Requirements apply to the Defendant. TEX. CODE CRIM. PROC. chapter 62

The age of the victim at the time of the offense was .

If Defendant is to serve sentence in TDCJ, enter incarceration periods in chronological order.

From 6/11/2009 to 6/18/2009

From 7/29/2010 to 7/29/2010

From to

Time Credited:

From to

From to

From to

If Defendant is to serve sentence in county jail or is given credit toward fine and costs, enter days credited below.

DAYS NOTES: N/A

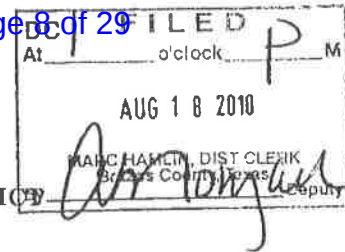
All pertinent information, names and assessments indicated above are incorporated into the language of the judgment below by reference.

This cause was called for trial in Brazos County, Texas. The State appeared by her District Attorney.

Counsel / Waiver of Counsel (select one)

☒ Defendant appeared in person with Counsel.☐ Defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

Both parties announced ready for trial. Defendant waived the right of trial by jury and entered the plea indicated above. The Court then admonished Defendant as required by law. It appeared to the Court that Defendant was mentally competent to stand trial, made the plea freely and voluntarily, and was aware of the consequences of this plea. The Court received the plea and entered it of record. Having heard the evidence submitted, the Court found Defendant guilty of the offense indicated above. In the presence of Defendant, the Court pronounced sentence against Defendant.



CASE NO. 09-02494-CRF-272 COUNT THREE
INCIDENT NO./TRN: 9127679136

THE STATE OF TEXAS

V.

GREGG BAIRD

STATE ID No.: TX04840330

§
§
§
§
§
§
§

IN THE 272ND DISTRICT
COURT
BRAZOS COUNTY, TEXAS

JUDGMENT OF CONVICTION BY COURT—WAIVER OF JURY TRIAL

Judge Presiding:	HON. TRAVIS BRYAN, III	Date Judgment Entered:	7/29/2010
Attorney for State:	SHANE PHELPS AND RAY THOMAS	Attorney for Defendant:	JIM JAMES
<u>Offense for which Defendant Convicted:</u> POSSESSION OF CHILD PORNOGRAPHY			
<u>Charging Instrument:</u> INDICTMENT		<u>Statute for Offense:</u> 43.26(a) Penal Code	
<u>Date of Offense:</u> 5/13/2009			
<u>Degree of Offense:</u> 3RD DEGREE FELONY		<u>Plea to Offense:</u> GUILTY	<u>Findings on Deadly Weapon:</u> N/A
<u>Terms of Plea Bargain:</u> NONE-OPEN PLEA TO COURT			
Plea to 1 st Enhancement Paragraph:	N/A	Plea to 2 nd Enhancement/Habitual Paragraph:	N/A
Findings on 1 st Enhancement Paragraph:	N/A	Findings on 2 nd Enhancement/Habitual Paragraph:	N/A
Date Sentence Imposed:	7/29/2010	Date Sentence to Commence:	7/29/2010
Punishment and Place of Confinement:	TEN(10) YEARS INSTITUTIONAL DIVISION, TDCJ		

THIS SENTENCE SHALL RUN CONSECUTIVELY (see below).

☒ SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR TEN(10) YEARS.

<u>Fine:</u> \$ 0.00	<u>Court Costs:</u> \$	<u>Restitution:</u> \$	<u>Restitution Payable to:</u> <input type="checkbox"/> VICTIM (see below) <input type="checkbox"/> AGENCY/AGENT (see below)
--------------------------------	----------------------------------	----------------------------------	---

Sex Offender Registration Requirements apply to the Defendant. TEX. CODE CRIM. PROC. chapter 62

The age of the victim at the time of the offense was **N/A**

If Defendant is to serve sentence in TDCJ, enter incarceration periods in chronological order.

From 6/11/2009 to 6/18/2009 From 7/29/2010 to 7/29/2010 From to

Time Credited: From to From to From to

If Defendant is to serve sentence in county jail or is given credit toward fine and costs, enter days credited below.

DAYS NOTES: N/A

All pertinent information, names and assessments indicated above are incorporated into the language of the judgment below by reference.

This cause was called for trial in Brazos County, Texas. The State appeared by her District Attorney.

Counsel / Waiver of Counsel (select one)

☒ Defendant appeared in person with Counsel.
☐ Defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.
Both parties announced ready for trial. Defendant waived the right of trial by jury and entered the plea indicated above.
The Court then admonished Defendant as required by law. It appeared to the Court that Defendant was mentally competent to stand trial, made the plea freely and voluntarily, and was aware of the consequences of this plea. The Court received the plea and



entered it of record. Having heard the evidence submitted, the Court found Defendant guilty of the offense indicated above. In the presence of Defendant, the Court pronounced sentence against Defendant.

The Court FINDS Defendant committed the above offense and **ORDERS, ADJUDGES AND DECREES** that Defendant is **GUILTY** of the above offense. The Court FINDS the Presentence Investigation, if so ordered, was done according to the applicable provisions of TEX. CODE CRIM. PROC. art. 42.12 § 9.

The Court **ORDERS** Defendant punished as indicated above. The Court **ORDERS** Defendant to pay all fines, court costs, and restitution as indicated above.

Punishment Options (select one)

☒ **Confinement in State Jail or Institutional Division.** The Court **ORDERS** the authorized agent of the State of Texas or the Sheriff of this County to take, safely convey, and deliver Defendant to the **Director, Institutional Division, TDCJ**. The Court **ORDERS** Defendant to be confined for the period and in the manner indicated above. The Court **ORDERS** Defendant remanded to the custody of the Sheriff of this county until the Sheriff can obey the directions of this sentence. The Court **ORDERS** that upon release from confinement, Defendant proceed immediately to the Brazos County Collections Department. Once there, the Court **ORDERS** Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

☐ **County Jail—Confinement / Confinement in Lieu of Payment.** The Court **ORDERS** Defendant immediately committed to the custody of the Sheriff of Brazos County, Texas on the date the sentence is to commence. Defendant shall be confined in the Brazos County Jail for the period indicated above. The Court **ORDERS** that upon release from confinement, Defendant shall proceed immediately to the Brazos County Collections Department. Once there, the Court **ORDERS** Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

☐ **Fine Only Payment.** The punishment assessed against Defendant is for a **FINE ONLY**. The Court **ORDERS** Defendant to proceed immediately to the Office of the Brazos County District Clerk. Once there, the Court **ORDERS** Defendant to pay or make arrangements to pay all fines and court costs as ordered by the Court in this cause.

Execution / Suspension of Sentence (select one)

☐ The Court **ORDERS** Defendant's sentence **EXECUTED**.

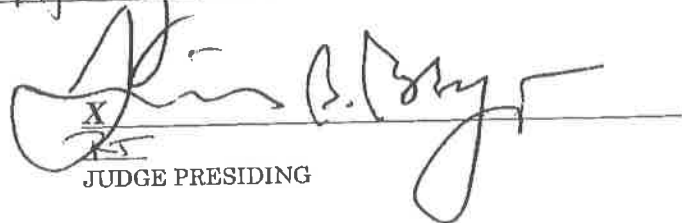
☒ The Court **ORDERS** Defendant's sentence of confinement **SUSPENDED**. The Court **ORDERS** Defendant placed on community supervision for the adjudged period (above) so long as Defendant abides by and does not violate the terms and conditions of community supervision. The order setting forth the terms and conditions of community supervision is incorporated into this judgment by reference.

The Court **ORDERS** that Defendant is given credit noted above on this sentence for the time spent incarcerated.

Furthermore, the following special findings or orders apply:

The Court **ORDERS** that the sentence in this conviction shall run consecutively and shall begin only when the judgment and sentence in the following case has ceased to operate: 09-02494-CRF-272 COUNT TWO. TEX. CODE CRIM. PROC. art. 42.01 § 1(19).

Signed and entered on the 6 day of Aug, 2010


JUDGE PRESIDING



CASE NO. 09-02494-CRF-272 COUNT FOUR
INCIDENT NO./TRN: 9127679136

DC	FILED
At 1	o'clock P M
AUG 18 2010	
MARG HAMLEN, DIST CLERK Brazos County, Texas	
By <i>[Signature]</i>	

THE STATE OF TEXAS

§
§
§
§
§
§
§

IN THE 272ND DISTRICT
COURT
BRAZOS COUNTY, TEXAS

V.

GREGG BAIRD

STATE ID No.: TX04840330

JUDGMENT OF CONVICTION BY COURT—WAIVER OF JURY TRIAL

Judge Presiding:	HON. TRAVIS BRYAN, III	Date Judgment Entered:	7/29/2010
Attorney for State:	SHANE PHELPS AND RAY THOMAS	Attorney for Defendant:	JIM JAMES
<u>Offense for which Defendant Convicted:</u> POSSESSION OF CHILD PORNOGRAPHY			
<u>Charging Instrument:</u> INDICTMENT		<u>Statute for Offense:</u> 43.26(a) Penal Code	
<u>Date of Offense:</u> 5/13/2009			
<u>Degree of Offense:</u> 3RD DEGREE FELONY		<u>Plea to Offense:</u> GUILTY	<u>Findings on Deadly Weapon:</u> N/A
<u>Terms of Plea Bargain:</u> NONE-OPEN PLEA TO COURT			
Plea to 1 st Enhancement Paragraph:	N/A	Plea to 2 nd Enhancement/Habitual Paragraph:	N/A
Findings on 1 st Enhancement Paragraph:	N/A	Findings on 2 nd Enhancement/Habitual Paragraph:	N/A
Date Sentence Imposed:	7/29/2010	Date Sentence to Commence:	7/29/2010
Punishment and Place of Confinement:	TEN(10) YEARS INSTITUTIONAL DIVISION, TDCJ		

THIS SENTENCE SHALL RUN CONCURRENTLY WITH COUNT ONE OF THIS CAUSE NUMBER.

☐ SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR N/A YEARS.

<u>Fine:</u>	<u>Court Costs:</u>	<u>Restitution:</u>	<u>Restitution Payable to:</u>
\$ 0.00	\$	\$	<input type="checkbox"/> VICTIM (see below) <input type="checkbox"/> AGENCY/AGENT (see below)

Sex Offender Registration Requirements apply to the Defendant. TEX. CODE CRIM. PROC. chapter 62

The age of the victim at the time of the offense was **N/A**.

If Defendant is to serve sentence in TDCJ, enter incarceration periods in chronological order.

From 6/11/2009 to 6/18/2009	From 7/29/2010 to 7/29/2010	From	to
Time Credited:	From to	From to	From to

If Defendant is to serve sentence in county jail or is given credit toward fine and costs, enter days credited below,

DAYS NOTES: N/A

All pertinent information, names and assessments indicated above are incorporated into the language of the judgment below by reference.

This cause was called for trial in Brazos County, Texas. The State appeared by her District Attorney.

Counsel / Waiver of Counsel (select one)

☒ Defendant appeared in person with Counsel.

☐ Defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

Both parties announced ready for trial. Defendant waived the right of trial by jury and entered the plea indicated above. The Court then admonished Defendant as required by law. It appeared to the Court that Defendant was mentally competent to stand trial, made the plea freely and voluntarily, and was aware of the consequences of this plea. The Court received the plea and entered it of record. Having heard the evidence submitted, the Court found Defendant guilty of the offense indicated above. In the presence of Defendant, the Court pronounced sentence against Defendant.



The Court FINDS Defendant committed the above offense and **ORDERS, ADJUDGES AND DECREES** that Defendant is **GUILTY** of the above offense. The Court FINDS the Presentence Investigation, if so ordered, was done according to the applicable provisions of TEX. CODE CRIM. PROC. art. 42.12 § 9.

The Court **ORDERS** Defendant punished as indicated above. The Court **ORDERS** Defendant to pay all fines, court costs, and restitution as indicated above.

Punishment Options (select one)

☒ **Confinement in State Jail or Institutional Division.** The Court **ORDERS** the authorized agent of the State of Texas or the Sheriff of this County to take, safely convey, and deliver Defendant to the **Director, Institutional Division, TDCJ**. The Court **ORDERS** Defendant to be confined for the period and in the manner indicated above. The Court **ORDERS** Defendant remanded to the custody of the Sheriff of this county until the Sheriff can obey the directions of this sentence. The Court **ORDERS** that upon release from confinement, Defendant proceed immediately to the Brazos County Collections Department. Once there, the Court **ORDERS** Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

☐ **County Jail—Confinement / Confinement in Lieu of Payment.** The Court **ORDERS** Defendant immediately committed to the custody of the Sheriff of Brazos County, Texas on the date the sentence is to commence. Defendant shall be confined in the Brazos County Jail for the period indicated above. The Court **ORDERS** that upon release from confinement, Defendant shall proceed immediately to the Brazos County Collections Department. Once there, the Court **ORDERS** Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

☐ **Fine Only Payment.** The punishment assessed against Defendant is for a **FINE ONLY**. The Court **ORDERS** Defendant to proceed immediately to the Office of the Brazos County District Clerk. Once there, the Court **ORDERS** Defendant to pay or make arrangements to pay all fines and court costs as ordered by the Court in this cause.

Execution / Suspension of Sentence (select one)

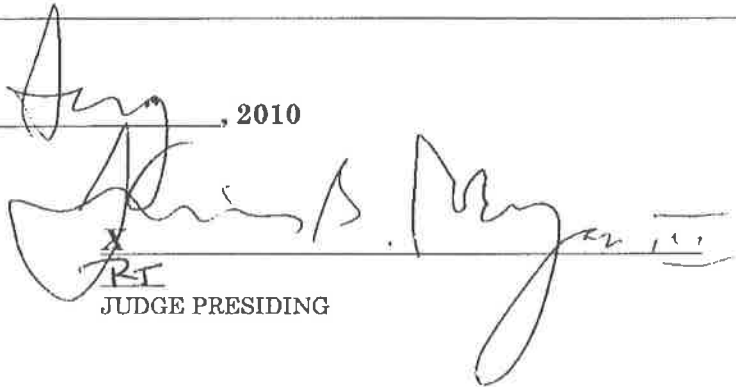
☒ The Court **ORDERS** Defendant's sentence **EXECUTED**.

☐ The Court **ORDERS** Defendant's sentence of confinement **SUSPENDED**. The Court **ORDERS** Defendant placed on community supervision for the adjudged period (above) so long as Defendant abides by and does not violate the terms and conditions of community supervision. The order setting forth the terms and conditions of community supervision is incorporated into this judgment by reference.

The Court **ORDERS** that Defendant is given credit noted above on this sentence for the time spent incarcerated.

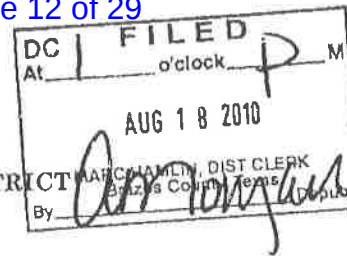
Furthermore, the following special findings or orders apply:

Signed and entered on the 6 day of Aug, 2010


JUDGE PRESIDING



CASE NO. 09-02494-CRF-272 COUNT FIVE
INCIDENT NO./TRN: 9127679136



THE STATE OF TEXAS

§
§
§
§
§
§
§

IN THE 272ND DISTRICT
COURT
BRAZOS COUNTY, TEXAS

V.

GREGG BAIRD

STATE ID No.: TX04840330

JUDGMENT OF CONVICTION BY COURT—WAIVER OF JURY TRIAL

Judge Presiding:	HON. TRAVIS BRYAN, III	Date Judgment Entered:	7/29/2010
Attorney for State:	SHANE PHELPS AND RAY THOMAS	Attorney for Defendant:	JIM JAMES
<u>Offense for which Defendant Convicted:</u> POSSESSION OF CHILD PORNOGRAPHY			
<u>Charging Instrument:</u> INDICTMENT		<u>Statute for Offense:</u> 43.26(a) Penal Code	
<u>Date of Offense:</u> 5/13/2009			
<u>Degree of Offense:</u> 3RD DEGREE FELONY		<u>Plea to Offense:</u> GUILTY	<u>Findings on Deadly Weapon:</u> N/A
<u>Terms of Plea Bargain:</u> NONE-OPEN PLEA TO COURT			
Plea to 1 st Enhancement Paragraph:	N/A	Plea to 2 nd Enhancement/Habitual Paragraph:	N/A
Findings on 1 st Enhancement Paragraph:	N/A	Findings on 2 nd Enhancement/Habitual Paragraph:	N/A
Date Sentence Imposed:	7/29/2010	Date Sentence to Commence:	7/29/2010
Punishment and Place of Confinement:	TEN(10) YEARS INSTITUTIONAL DIVISION, TDCJ		

THIS SENTENCE SHALL RUN CONCURRENTLY WITH COUNT ONE OF THIS CAUSE NUMBER.

☐ SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR N/A YEARS.

<u>Fine:</u>	<u>Court Costs:</u>	<u>Restitution:</u>	<u>Restitution Payable to:</u>
\$ 0.00	\$	\$	<input type="checkbox"/> VICTIM (see below) <input type="checkbox"/> AGENCY/AGENT (see below)

Sex Offender Registration Requirements apply to the Defendant. TEX. CODE CRIM. PROC. chapter 62

The age of the victim at the time of the offense was N/A.

If Defendant is to serve sentence in TDCJ, enter incarceration periods in chronological order.

From 6/11/2009 to 6/18/2009	From 7/29/2010 to 7/29/2010	From	to
Time Credited:	From to	From to	From to

If Defendant is to serve sentence in county jail or is given credit toward fine and costs, enter days credited below.

DAYS NOTES: N/A

All pertinent information, names and assessments indicated above are incorporated into the language of the judgment below by reference.

This cause was called for trial in Brazos County, Texas. The State appeared by her District Attorney.

Counsel / Waiver of Counsel (select one)

☒ Defendant appeared in person with Counsel.

☐ Defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

Both parties announced ready for trial. Defendant waived the right of trial by jury and entered the plea indicated above. The Court then admonished Defendant as required by law. It appeared to the Court that Defendant was mentally competent to stand trial, made the plea freely and voluntarily, and was aware of the consequences of this plea. The Court received the plea and entered it of record. Having heard the evidence submitted, the Court found Defendant guilty of the offense indicated above. In the presence of Defendant, the Court pronounced sentence against Defendant.



The Court FINDS Defendant committed the above offense and **ORDERS, ADJUDGES AND DECREES** that Defendant is **GUILTY** of the above offense. The Court FINDS the Presentence Investigation, if so ordered, was done according to the applicable provisions of TEX. CODE CRIM. PROC. art. 42.12 § 9.

The Court **ORDERS** Defendant punished as indicated above. The Court **ORDERS** Defendant to pay all fines, court costs, and restitution as indicated above.

Punishment Options (select one)

☒ **Confinement in State Jail or Institutional Division.** The Court **ORDERS** the authorized agent of the State of Texas or the Sheriff of this County to take, safely convey, and deliver Defendant to the **Director, Institutional Division, TDCJ**. The Court **ORDERS** Defendant to be confined for the period and in the manner indicated above. The Court **ORDERS** Defendant remanded to the custody of the Sheriff of this county until the Sheriff can obey the directions of this sentence. The Court **ORDERS** that upon release from confinement, Defendant proceed immediately to the Brazos County Collections Department. Once there, the Court **ORDERS** Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

☐ **County Jail—Confinement / Confinement in Lieu of Payment.** The Court **ORDERS** Defendant immediately committed to the custody of the Sheriff of Brazos County, Texas on the date the sentence is to commence. Defendant shall be confined in the Brazos County Jail for the period indicated above. The Court **ORDERS** that upon release from confinement, Defendant shall proceed immediately to the Brazos County Collections Department. Once there, the Court **ORDERS** Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

☐ **Fine Only Payment.** The punishment assessed against Defendant is for a **FINE ONLY**. The Court **ORDERS** Defendant to proceed immediately to the Office of the Brazos County District Clerk. Once there, the Court **ORDERS** Defendant to pay or make arrangements to pay all fines and court costs as ordered by the Court in this cause.

Execution / Suspension of Sentence (select one)

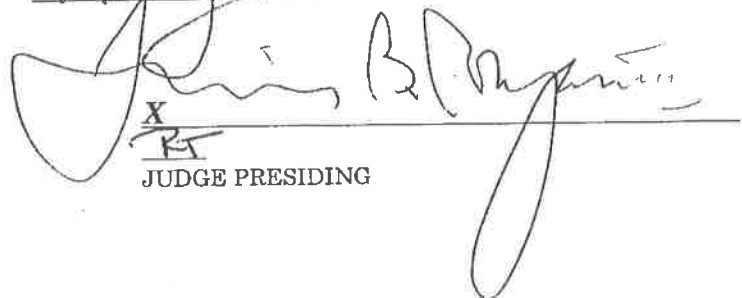
☒ The Court **ORDERS** Defendant's sentence **EXECUTED**.

☐ The Court **ORDERS** Defendant's sentence of confinement **SUSPENDED**. The Court **ORDERS** Defendant placed on community supervision for the adjudged period (above) so long as Defendant abides by and does not violate the terms and conditions of community supervision. The order setting forth the terms and conditions of community supervision is incorporated into this judgment by reference.

The Court **ORDERS** that Defendant is given credit noted above on this sentence for the time spent incarcerated.

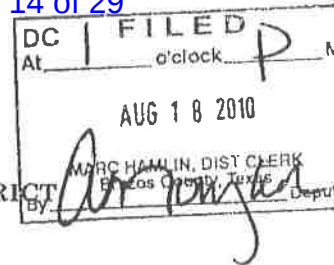
Furthermore, the following special findings or orders apply:

Signed and entered on the 6 day of Aug, 2010


X
JUDGE PRESIDING



CASE No. 09-02494-CRF-272 COUNT SIX
INCIDENT NO./TRN: 9127679136



THE STATE OF TEXAS

§
§
§
§
§
§
§

IN THE 272ND DISTRICT
COURT
BRAZOS COUNTY, TEXAS

v.

GREGG BAIRD

STATE ID No.: TX04840330

JUDGMENT OF CONVICTION BY COURT—WAIVER OF JURY TRIAL

Judge Presiding:	HON. TRAVIS BRYAN, III	Date Judgment Entered:	7/29/2010
Attorney for State:	SHANE PHELPS AND RAY THOMAS	Attorney for Defendant:	JIM JAMES
<u>Offense for which Defendant Convicted:</u> POSSESSION OF CHILD PORNOGRAPHY			
<u>Charging Instrument:</u> INDICTMENT		<u>Statute for Offense:</u> 43.26(a) Penal Code	
<u>Date of Offense:</u> 5/13/2009			
<u>Degree of Offense:</u> 3RD DEGREE FELONY		<u>Plea to Offense:</u> GUILTY	<u>Findings on Deadly Weapon:</u> N/A
<u>Terms of Plea Bargain:</u> NONE-OPEN PLEA TO COURT			
Plea to 1 st Enhancement Paragraph:	N/A	Plea to 2 nd Enhancement/Habitual Paragraph:	N/A
Findings on 1 st Enhancement Paragraph:	N/A	Findings on 2 nd Enhancement/Habitual Paragraph:	N/A
Date Sentence Imposed:	7/29/2010	Date Sentence to Commence:	7/29/2010
Punishment and Place of Confinement:	TEN(10) YEARS INSTITUTIONAL DIVISION, TDCJ		
THIS SENTENCE SHALL RUN CONCURRENTLY WITH COUNT ONE OF THIS CAUSE NUMBER.			
<input type="checkbox"/> SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR N/A YEARS.			
<u>Fine:</u> \$ 0.00	<u>Court Costs:</u> \$	<u>Restitution:</u> \$	<u>Restitution Payable to:</u> <input type="checkbox"/> VICTIM (see below) <input type="checkbox"/> AGENCY/AGENT (see below)
Sex Offender Registration Requirements apply to the Defendant. TEX. CODE CRIM. PROC. chapter 62			
The age of the victim at the time of the offense was N/A			

If Defendant is to serve sentence in TDCJ, enter incarceration periods in chronological order.

Time Credited:	From 6/11/2009 to 6/18/2009	From 7/29/2010 to 7/29/2010	From to
	From to	From to	From to

If Defendant is to serve sentence in county jail or is given credit toward fine and costs, enter days credited below.

DAYS NOTES: N/A

All pertinent information, names and assessments indicated above are incorporated into the language of the judgment below by reference.

This cause was called for trial in Brazos County, Texas. The State appeared by her District Attorney.

Counsel / Waiver of Counsel (select one)

- ☒ Defendant appeared in person with Counsel.
☐ Defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

Both parties announced ready for trial. Defendant waived the right of trial by jury and entered the plea indicated above. The Court then admonished Defendant as required by law. It appeared to the Court that Defendant was mentally competent to stand trial, made the plea freely and voluntarily, and was aware of the consequences of this plea. The Court received the plea and entered it of record. Having heard the evidence submitted, the Court found Defendant guilty of the offense indicated above. In the presence of Defendant, the Court pronounced sentence against Defendant.



The Court FINDS Defendant committed the above offense and **ORDERS, ADJUDGES AND DECREES** that Defendant is **GUILTY** of the above offense. The Court FINDS the Presentence Investigation, if so ordered, was done according to the applicable provisions of TEX. CODE CRIM. PROC. art. 42.12 § 9.

The Court **ORDERS** Defendant punished as indicated above. The Court **ORDERS** Defendant to pay all fines, court costs, and restitution as indicated above.

Punishment Options (select one)

☒ **Confinement in State Jail or Institutional Division.** The Court **ORDERS** the authorized agent of the State of Texas or the Sheriff of this County to take, safely convey, and deliver Defendant to the **Director, Institutional Division, TDCJ**. The Court **ORDERS** Defendant to be confined for the period and in the manner indicated above. The Court **ORDERS** Defendant remanded to the custody of the Sheriff of this county until the Sheriff can obey the directions of this sentence. The Court **ORDERS** that upon release from confinement, Defendant proceed immediately to the Brazos County Collections Department. Once there, the Court **ORDERS** Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

☐ **County Jail—Confinement / Confinement in Lieu of Payment.** The Court **ORDERS** Defendant immediately committed to the custody of the Sheriff of Brazos County, Texas on the date the sentence is to commence. Defendant shall be confined in the Brazos County Jail for the period indicated above. The Court **ORDERS** that upon release from confinement, Defendant shall proceed immediately to the Brazos County Collections Department. Once there, the Court **ORDERS** Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

☐ **Fine Only Payment.** The punishment assessed against Defendant is for a **FINE ONLY**. The Court **ORDERS** Defendant to proceed immediately to the Office of the Brazos County District Clerk. Once there, the Court **ORDERS** Defendant to pay or make arrangements to pay all fines and court costs as ordered by the Court in this cause.

Execution / Suspension of Sentence (select one)

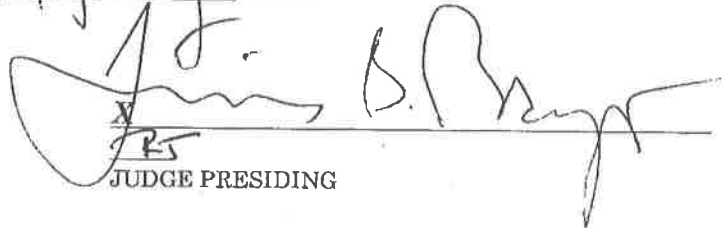
☒ The Court **ORDERS** Defendant's sentence **EXECUTED**.

☐ The Court **ORDERS** Defendant's sentence of confinement **SUSPENDED**. The Court **ORDERS** Defendant placed on community supervision for the adjudged period (above) so long as Defendant abides by and does not violate the terms and conditions of community supervision. The order setting forth the terms and conditions of community supervision is incorporated into this judgment by reference.

The Court **ORDERS** that Defendant is given credit noted above on this sentence for the time spent incarcerated.

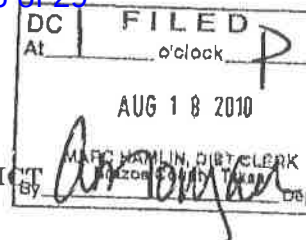
Furthermore, the following special findings or orders apply:

Signed and entered on the 6 day of Aug, 2010


JUDGE PRESIDING



CASE NO. 09-02494-CRF-272 COUNT SEVEN
INCIDENT NO./TRN: 9127679136



THE STATE OF TEXAS

§
§
§
§
§
§IN THE 272ND DISTRICT

V.

COURT

GREGG BAIRD

BRAZOS COUNTY, TEXAS

STATE ID No.: TX04840330

JUDGMENT OF CONVICTION BY COURT—WAIVER OF JURY TRIAL

Judge Presiding:	HON. TRAVIS BRYAN, III	Date Judgment Entered:	7/29/2010
Attorney for State:	SHANE PHELPS AND RAY THOMAS	Attorney for Defendant:	JIM JAMES
<u>Offense for which Defendant Convicted:</u> POSSESSION OF CHILD PORNOGRAPHY			
<u>Charging Instrument:</u> INDICTMENT		<u>Statute for Offense:</u> 43.26(a) Penal Code	
<u>Date of Offense:</u> 5/13/2009			
<u>Degree of Offense:</u> 3RD DEGREE FELONY		<u>Plea to Offense:</u> GUILTY	<u>Findings on Deadly Weapon:</u> N/A
<u>Terms of Plea Bargain:</u> NONE-OPEN PLEA TO COURT			
Plea to 1 st Enhancement Paragraph:	N/A	Plea to 2 nd Enhancement/Habitual Paragraph:	N/A
Findings on 1 st Enhancement Paragraph:	N/A	Findings on 2 nd Enhancement/Habitual Paragraph:	N/A
Date Sentence Imposed:	7/29/2010	Date Sentence to Commence:	7/29/2010
Punishment and Place of Confinement:	TEN(10) YEARS INSTITUTIONAL DIVISION, TDCJ		

THIS SENTENCE SHALL RUN CONCURRENTLY WITH COUNT ONE OF THIS CAUSE NUMBER.

☐ SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR N/A YEARS.

Fine: \$ 0.00 Court Costs: \$ Restitution: \$ Restitution Payable to: ☐ VICTIM (see below) ☐ AGENCY/AGENT (see below)

Sex Offender Registration Requirements apply to the Defendant. TEX. CODE CRIM. PROC. chapter 62

The age of the victim at the time of the offense was N/A

If Defendant is to serve sentence in TDCJ, enter incarceration periods in chronological order.
 From 6/11/2009 to 6/18/2009 From 7/29/2010 to 7/29/2010 From to
 Time Credited: From to From to From to
If Defendant is to serve sentence in county jail or is given credit toward fine and costs, enter days credited below.

DAYS NOTES: N/A

All pertinent information, names and assessments indicated above are incorporated into the language of the judgment below by reference.

This cause was called for trial in Brazos County, Texas. The State appeared by her District Attorney.

Counsel / Waiver of Counsel (select one)

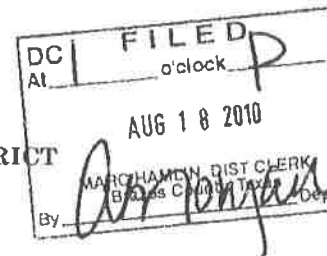
☒ Defendant appeared in person with Counsel.

☐ Defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

Both parties announced ready for trial. Defendant waived the right of trial by jury and entered the plea indicated above. The Court then admonished Defendant as required by law. It appeared to the Court that Defendant was mentally competent to stand trial, made the plea freely and voluntarily, and was aware of the consequences of this plea. The Court received the plea and entered it of record. Having heard the evidence submitted, the Court found Defendant guilty of the offense indicated above. In the presence of Defendant, the Court pronounced sentence against Defendant.



CASE No. 09-02494-CRF-272 COUNT EIGHT
INCIDENT No./TRN: 9127679136



THE STATE OF TEXAS

v.

GREGG BAIRD

STATE ID No.: TX04840330

§
§
§
§
§
§
§IN THE 272ND DISTRICT

COURT

BRAZOS COUNTY, TEXAS

JUDGMENT OF CONVICTION BY COURT—WAIVER OF JURY TRIAL

Judge Presiding:	HON. TRAVIS BRYAN, III	Date Judgment Entered:	7/29/2010
Attorney for State:	SHANE PHELPS AND RAY THOMAS	Attorney for Defendant:	JIM JAMES
<u>Offense for which Defendant Convicted:</u> POSSESSION OF CHILD PORNOGRAPHY			
<u>Charging Instrument:</u> INDICTMENT		<u>Statute for Offense:</u> 43.26(a) Penal Code	
<u>Date of Offense:</u> 5/13/2009			
<u>Degree of Offense:</u> 3RD DEGREE FELONY		<u>Plea to Offense:</u> GUILTY	<u>Findings on Deadly Weapon:</u> N/A
<u>Terms of Plea Bargain:</u> NONE-OPEN PLEA TO COURT			
Plea to 1 st Enhancement Paragraph:	N/A	Plea to 2 nd Enhancement/Habitual Paragraph:	N/A
Findings on 1 st Enhancement Paragraph:	N/A	Findings on 2 nd Enhancement/Habitual Paragraph:	N/A
Date Sentence Imposed:	7/29/2010	Date Sentence to Commence:	7/29/2010
Punishment and Place of Confinement:	TEN(10) YEARS INSTITUTIONAL DIVISION, TDCJ		

THIS SENTENCE SHALL RUN CONCURRENTLY WITH COUNT ONE OF THIS CAUSE NUMBER.

☐ SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR N/A YEARS.

<u>Fine:</u>	<u>Court Costs:</u>	<u>Restitution:</u>	<u>Restitution Payable to:</u>
\$ 0.00	\$	\$	<input type="checkbox"/> VICTIM (see below) <input type="checkbox"/> AGENCY/AGENT (see below)

Sex Offender Registration Requirements apply to the Defendant. TEX. CODE CRIM. PROC. chapter 62

The age of the victim at the time of the offense was **N/A**

If Defendant is to serve sentence in TDCJ, enter incarceration periods in chronological order.

From 6/11/2009 to 6/18/2009	From 7/29/2010 to 7/29/2010	From	to
Time Credited:	From to	From to	From to

If Defendant is to serve sentence in county jail or is given credit toward fine and costs, enter days credited below.

DAYS NOTES: N/A

All pertinent information, names and assessments indicated above are incorporated into the language of the judgment below by reference.

This cause was called for trial in Brazos County, Texas. The State appeared by her District Attorney.

Counsel / Waiver of Counsel (select one)

☒ Defendant appeared in person with Counsel.

☐ Defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

Both parties announced ready for trial. Defendant waived the right of trial by jury and entered the plea indicated above. The Court then admonished Defendant as required by law. It appeared to the Court that Defendant was mentally competent to stand trial, made the plea freely and voluntarily, and was aware of the consequences of this plea. The Court received the plea and entered it of record. Having heard the evidence submitted, the Court found Defendant guilty of the offense indicated above. In the presence of Defendant, the Court pronounced sentence against Defendant.



The Court FINDS Defendant committed the above offense and **ORDERS, ADJUDGES AND DECREES** that Defendant is **GUILTY** of the above offense. The Court FINDS the Presentence Investigation, if so ordered, was done according to the applicable provisions of TEX. CODE CRIM. PROC. art. 42.12 § 9.

The Court **ORDERS** Defendant punished as indicated above. The Court **ORDERS** Defendant to pay all fines, court costs, and restitution as indicated above.

Punishment Options (select one)

☒ **Confinement in State Jail or Institutional Division.** The Court **ORDERS** the authorized agent of the State of Texas or the Sheriff of this County to take, safely convey, and deliver Defendant to the **Director, Institutional Division, TDCJ**. The Court **ORDERS** Defendant to be confined for the period and in the manner indicated above. The Court **ORDERS** Defendant remanded to the custody of the Sheriff of this county until the Sheriff can obey the directions of this sentence. The Court **ORDERS** that upon release from confinement, Defendant proceed immediately to the Brazos County Collections Department. Once there, the Court **ORDERS** Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

☐ **County Jail—Confinement / Confinement in Lieu of Payment.** The Court **ORDERS** Defendant immediately committed to the custody of the Sheriff of Brazos County, Texas on the date the sentence is to commence. Defendant shall be confined in the Brazos County Jail for the period indicated above. The Court **ORDERS** that upon release from confinement, Defendant shall proceed immediately to the Brazos County Collections Department. Once there, the Court **ORDERS** Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

☐ **Fine Only Payment.** The punishment assessed against Defendant is for a **FINE ONLY**. The Court **ORDERS** Defendant to proceed immediately to the Office of the Brazos County District Clerk. Once there, the Court **ORDERS** Defendant to pay or make arrangements to pay all fines and court costs as ordered by the Court in this cause.

Execution / Suspension of Sentence (select one)

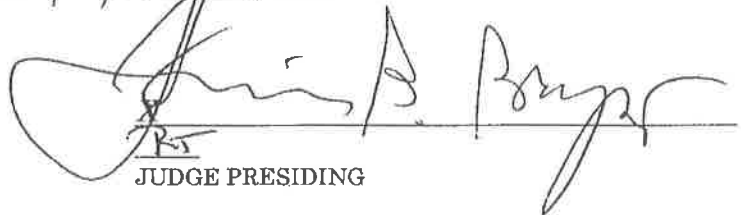
☒ The Court **ORDERS** Defendant's sentence **EXECUTED**.

☐ The Court **ORDERS** Defendant's sentence of confinement **SUSPENDED**. The Court **ORDERS** Defendant placed on community supervision for the adjudged period (above) so long as Defendant abides by and does not violate the terms and conditions of community supervision. The order setting forth the terms and conditions of community supervision is incorporated into this judgment by reference.

The Court **ORDERS** that Defendant is given credit noted above on this sentence for the time spent incarcerated.

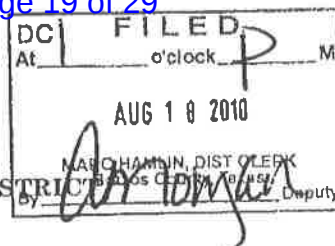
Furthermore, the following special findings or orders apply:

Signed and entered on the 6 day of Aug, 2010


JUDGE PRESIDING



CASE NO. 09-02494-CRF-272 COUNT NINE
INCIDENT NO./TRN: 9127679136



THE STATE OF TEXAS

V.

GREGG BAIRD

STATE ID No.: TX04840330

§
§
§
§
§
§

IN THE 272ND DISTRICT
COURT
BRAZOS COUNTY, TEXAS

JUDGMENT OF CONVICTION BY COURT—WAIVER OF JURY TRIAL

Judge Presiding:	HON. TRAVIS BRYAN, III	Date Judgment Entered:	7/29/2010
Attorney for State:	SHANE PHELPS AND RAY THOMAS	Attorney for Defendant:	JIM JAMES

Offense for which Defendant Convicted:

POSSESSION OF CHILD PORNOGRAPHY

Charging Instrument:

INDICTMENT

Statute for Offense:

43.26(a) Penal Code

Date of Offense:

5/13/2009

Degree of Offense:

3RD DEGREE FELONY

Plea to Offense:

GUILTY

Findings on Deadly Weapon:

N/A

Terms of Plea Bargain:

NONE-OPEN PLEA TO COURT

Plea to 1st Enhancement

Paragraph:

N/A

Plea to 2nd Enhancement/Habitual

Paragraph:

N/A

Findings on 1st Enhancement

Paragraph:

N/A

Findings on 2nd

Enhancement/Habitual Paragraph:

N/A

Date Sentence Imposed: 7/29/2010

Date Sentence to Commence: 7/29/2010

Punishment and Place
of Confinement:

TEN(10) YEARS INSTITUTIONAL DIVISION, TDCJ

THIS SENTENCE SHALL RUN CONCURRENTLY WITH COUNT ONE OF THIS CAUSE NUMBER.

☐ SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR N/A YEARS.

Fine:

\$ 0.00

Court Costs:

\$

Restitution:

\$

Restitution Payable to:

☐ VICTIM (see below) ☐ AGENCY/AGENT (see below)

Sex Offender Registration Requirements apply to the Defendant. TEX. CODE CRIM. PROC. chapter 62

The age of the victim at the time of the offense was N/A

If Defendant is to serve sentence in TDCJ, enter incarceration periods in chronological order.

From 6/11/2009 to 6/18/2009

From 7/29/2010 to 7/29/2010

From to

Time

Credited:

From

to

From

to

From

to

If Defendant is to serve sentence in county jail or is given credit toward fine and costs, enter days credited below.

DAYS NOTES: N/A

All pertinent information, names and assessments indicated above are incorporated into the language of the judgment below by reference.

This cause was called for trial in Brazos County, Texas. The State appeared by her District Attorney.

Counsel / Waiver of Counsel (select one)

☒ Defendant appeared in person with Counsel.☐ Defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

Both parties announced ready for trial. Defendant waived the right of trial by jury and entered the plea indicated above. The Court then admonished Defendant as required by law. It appeared to the Court that Defendant was mentally competent to stand trial, made the plea freely and voluntarily, and was aware of the consequences of this plea. The Court received the plea and entered it of record. Having heard the evidence submitted, the Court found Defendant guilty of the offense indicated above. In the presence of Defendant, the Court pronounced sentence against Defendant.



The Court FINDS Defendant committed the above offense and **ORDERS, ADJUDGES AND DECREES** that Defendant is **GUILTY** of the above offense. The Court FINDS the Presentence Investigation, if so ordered, was done according to the applicable provisions of TEX. CODE CRIM. PROC. art. 42.12 § 9.

The Court **ORDERS** Defendant punished as indicated above. The Court **ORDERS** Defendant to pay all fines, court costs, and restitution as indicated above.

Punishment Options (select one)

☒ **Confinement in State Jail or Institutional Division.** The Court **ORDERS** the authorized agent of the State of Texas or the Sheriff of this County to take, safely convey, and deliver Defendant to the **Director, Institutional Division, TDCJ**. The Court **ORDERS** Defendant to be confined for the period and in the manner indicated above. The Court **ORDERS** Defendant remanded to the custody of the Sheriff of this county until the Sheriff can obey the directions of this sentence. The Court **ORDERS** that upon release from confinement, Defendant proceed immediately to the Brazos County Collections Department. Once there, the Court **ORDERS** Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

☐ **County Jail—Confinement / Confinement in Lieu of Payment.** The Court **ORDERS** Defendant immediately committed to the custody of the Sheriff of Brazos County, Texas on the date the sentence is to commence. Defendant shall be confined in the **Brazos County Jail** for the period indicated above. The Court **ORDERS** that upon release from confinement, Defendant shall proceed immediately to the Brazos County Collections Department. Once there, the Court **ORDERS** Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

☐ **Fine Only Payment.** The punishment assessed against Defendant is for a **FINE ONLY**. The Court **ORDERS** Defendant to proceed immediately to the Office of the Brazos County District Clerk. Once there, the Court **ORDERS** Defendant to pay or make arrangements to pay all fines and court costs as ordered by the Court in this cause.

Execution / Suspension of Sentence (select one)

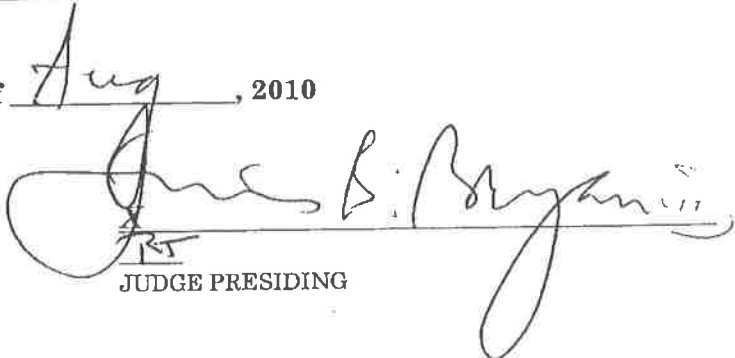
☒ The Court **ORDERS** Defendant's sentence **EXECUTED**.

☐ The Court **ORDERS** Defendant's sentence of confinement **SUSPENDED**. The Court **ORDERS** Defendant placed on community supervision for the adjudged period (above) so long as Defendant abides by and does not violate the terms and conditions of community supervision. The order setting forth the terms and conditions of community supervision is incorporated into this judgment by reference.

The Court **ORDERS** that Defendant is given credit noted above on this sentence for the time spent incarcerated.

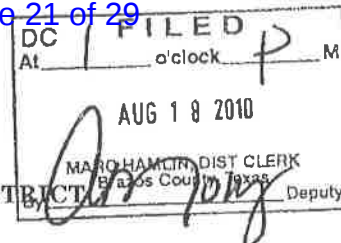
Furthermore, the following special findings or orders apply:

Signed and entered on the 6 day of Aug, 2010


JUDGE PRESIDING



CASE No. 09-02494-CRF-272 COUNT TEN
INCIDENT No./TRN: 9127679136



THE STATE OF TEXAS

V.

GREGG BAIRD

STATE ID No.: TX04840330

§
§
§
§
§
§
§

IN THE 272ND DISTRICT
COURT
BRAZOS COUNTY, TEXAS

JUDGMENT OF CONVICTION BY COURT—WAIVER OF JURY TRIAL

Judge Presiding:	HON. TRAVIS BRYAN, III	Date Judgment Entered:	7/29/2010
Attorney for State:	SHANE PHELPS AND RAY THOMAS	Attorney for Defendant:	JIM JAMES

Offense for which Defendant Convicted:

POSSESSION OF CHILD PORNOGRAPHY

Charging Instrument:
INDICTMENTStatute for Offense:
43.26(a) Penal CodeDate of Offense:
5/13/2009Degree of Offense:
3RD DEGREE FELONYPlea to Offense:
GUILTYFindings on Deadly Weapon:
N/ATerms of Plea Bargain:
NONE-OPEN PLEA TO COURTPlea to 1st Enhancement
Paragraph:

N/A

Plea to 2nd Enhancement/Habitual
Paragraph:

N/A

Findings on 1st Enhancement
Paragraph:

N/A

Findings on 2nd
Enhancement/Habitual Paragraph:

N/A

Date Sentence Imposed: 7/29/2010

Date Sentence to Commence: 7/29/2010

Punishment and Place
of Confinement:

TEN(10) YEARS INSTITUTIONAL DIVISION, TDCJ

THIS SENTENCE SHALL RUN CONCURRENTLY WITH COUNT ONE OF THIS CAUSE NUMBER.

☐ SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR N/A YEARS.Fine:
\$ 0.00Court Costs:
\$Restitution:
\$

Restitution Payable to:

☐ VICTIM (see below) ☐ AGENCY/AGENT (see below)

Sex Offender Registration Requirements apply to the Defendant. TEX. CODE CRIM. PROC. chapter 62

The age of the victim at the time of the offense was N/A

If Defendant is to serve sentence in TDCJ, enter incarceration periods in chronological order.

From 6/11/2009 to 6/18/2009

From 7/29/2010 to 7/29/2010

From to

Time
Credited:

From to From to From to

If Defendant is to serve sentence in county jail or is given credit toward fine and costs, enter days credited below.

DAYS NOTES: N/A

All pertinent information, names and assessments indicated above are incorporated into the language of the judgment below by reference.

This cause was called for trial in Brazos County, Texas. The State appeared by her District Attorney.

Counsel / Waiver of Counsel (select one)

☒ Defendant appeared in person with Counsel.☐ Defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

Both parties announced ready for trial. Defendant waived the right of trial by jury and entered the plea indicated above. The Court then admonished Defendant as required by law. It appeared to the Court that Defendant was mentally competent to stand trial, made the plea freely and voluntarily, and was aware of the consequences of this plea. The Court received the plea and entered it of record. Having heard the evidence submitted, the Court found Defendant guilty of the offense indicated above. In the presence of Defendant, the Court pronounced sentence against Defendant.



The Court FINDS Defendant committed the above offense and **ORDERS, ADJUDGES AND DECREES** that Defendant is **GUILTY** of the above offense. The Court FINDS the Presentence Investigation, if so ordered, was done according to the applicable provisions of TEX. CODE CRIM. PROC. art. 42.12 § 9.

The Court **ORDERS** Defendant punished as indicated above. The Court **ORDERS** Defendant to pay all fines, court costs, and restitution as indicated above.

Punishment Options (select one)

- ☒ **Confinement in State Jail or Institutional Division.** The Court **ORDERS** the authorized agent of the State of Texas or the Sheriff of this County to take, safely convey, and deliver Defendant to the **Director, Institutional Division, TDCJ**. The Court **ORDERS** Defendant to be confined for the period and in the manner indicated above. The Court **ORDERS** Defendant remanded to the custody of the Sheriff of this county until the Sheriff can obey the directions of this sentence. The Court **ORDERS** that upon release from confinement, Defendant proceed immediately to the Brazos County Collections Department. Once there, the Court **ORDERS** Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.
- ☐ **County Jail—Confinement / Confinement in Lieu of Payment.** The Court **ORDERS** Defendant immediately committed to the custody of the Sheriff of Brazos County, Texas on the date the sentence is to commence. Defendant shall be confined in the Brazos County Jail for the period indicated above. The Court **ORDERS** that upon release from confinement, Defendant shall proceed immediately to the Brazos County Collections Department. Once there, the Court **ORDERS** Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.
- ☐ **Fine Only Payment.** The punishment assessed against Defendant is for a **FINE ONLY**. The Court **ORDERS** Defendant to proceed immediately to the Office of the Brazos County District Clerk. Once there, the Court **ORDERS** Defendant to pay or make arrangements to pay all fines and court costs as ordered by the Court in this cause.

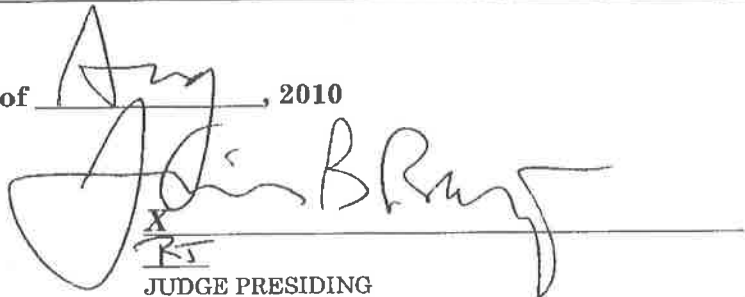
Execution / Suspension of Sentence (select one)

- ☒ The Court **ORDERS** Defendant's sentence **EXECUTED**.
- ☐ The Court **ORDERS** Defendant's sentence of confinement **SUSPENDED**. The Court **ORDERS** Defendant placed on community supervision for the adjudged period (above) so long as Defendant abides by and does not violate the terms and conditions of community supervision. The order setting forth the terms and conditions of community supervision is incorporated into this judgment by reference.

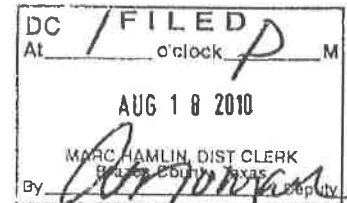
The Court **ORDERS** that Defendant is given credit noted above on this sentence for the time spent incarcerated.

Furthermore, the following special findings or orders apply:

Signed and entered on the 6 day of Aug, 2010


JUDGE PRESIDING

Subject: State vs. Gregg Baird; 09-02494-CRF-272 etc.
From: Lisa L Parker <lparker@co.brazos.tx.us>
Date: Wed, 04 Aug 2010 14:00:28 -0500
To: Denise MacKay <denise_mackay@prodigy.net>
BCC: "tbb >> Travis Bryan" <tbbryaniiii@hotmail.com>



Denise --

After reading Mr. Wetzel's letter, it appears that he intended for you to forward his letter to the other reporters. Consequently, I am attaching a scanned image of his letter for you to use in sending his letter to the other reporters. I know you have Kaetheryne's e-mail address but here are the other two e-mail addresses in case you need them:

Carolyn White: whitetex@verizon.net

Susan Rainwater: rainwater.reporter@gmail.com

Susan's mailing address is: 3708 E. 29th St. PMB 137, Bryan, Texas 77802-3901
Phone: (979) 209-4201

I ask that you comply with Mr. Wetzel's request to forward these to the other reporters. If you need any further information or assistance in this matter, please let me know.

Thank you
Lisa

--
Lisa Parker
Court Coordinator, 272nd District Court
Brazos County, Texas
Telephone: (979) 361-4219
Facsimile: (979) 361-4517

Wetzel letter - Gregg Baird.pdf **Content-Type:** application/x-unknown-application-octet-stream
Content-Encoding: base64

No. 09-02494-CRF-272 - Count 1

THE STATE OF TEXAS

Vs.

BAIRD, GREGG CARL

§
§
§
§
§IN THE 272ND DISTRICT COURT

OF

BRAZOS COUNTY, TEXAS

COMMITMENT/RELEASE ORDERTo: **The Sheriff of Brazos County, Texas**

At	1	o'clock	P	M
AUG 18 2010				
MARC HAMLIN, DIST CLERK Brazos County, Texas				
By <i>[Signature]</i> Deputy				

The above named defendant is ordered committed to/released from the custody of the Sheriff of Brazos County, Texas, effective at 4:05 a.m. (p.m.) on the 29th day of July, 2010, relating to the offense(s) of POSS OF CHILD PORNOGRAPHY

☒ to serve a term of ten (10) days/months/years in the Brazos County Jail

☒ in the Institutional Division of the Texas Department of Criminal Justice

☐ in a State Jail Facility

☐ as a condition of community supervision

☐ with referral to the State Boot Camp

☐ work release is authorized

☐ each S U M T W Th F Sa from _____ m. until _____ m.

☐ according to the schedule attached

☐ to be held in the Brazos County Jail

☐ without bail, until further order of this Court

☐ until transported to a Substance Abuse Felony Punishment Facility

☐ pending appeal from his conviction of a felony

☐ until sufficient bail is posted in the amount of \$ _____

☐ in cash or surety bond form

☐ in personal bond form

☐ upon the attached conditions; ☐ without conditions

☐ to be released from custody on the above charge(s)

☒ CREDIT FOR TIME SERVED

☒ UPON RELEASE, Defendant is to report to the Brazos County District Clerk (Collections) to pay court costs of \$ 635.00

☐ lay-out court costs of \$ _____

☒ TO RUN CONCURRENT WITH Counts 4, 5, 6, 7, 8, 9 + 10 of this cause

☒ SPECIAL INSTRUCTIONS: pts. 11-13 of this cause, and all counts in

09-02492-CRF, 09-02493-CRF, 09-02495-CRF,
09-02497-CRF and 09-02498-CRF were.

SIGNED this the 29th day of July, 2009.

[Signature]
Presiding Judge

This Court Order was received on
<u>7/29/10</u>
<u>[Signature]</u>
Brazos County Sheriff's Office

09-02496-CRF
12.45'd into
Count 1 of
this cause -

THE STATE OF TEXAS
VS.
BAIRD, GREGG CARL

FILED No. 09-02494-CRF-272 - Count 2
DC 1 o'clock M
AUG 18 2010
MARC HAMLIN, DIST CLERK
By *[Signature]* Deputy

§
§
§
§
§
§

IN THE 272ND DISTRICT COURT
OF
BRAZOS COUNTY, TEXAS

COMMITMENT/RELEASE ORDER

To: The Sheriff of Brazos County, Texas

The above named defendant is ordered committed to/released from the custody of the Sheriff of Brazos County, Texas, effective at 4:05 a.m. (p.m.) on the 29th day of July, 2010 relating to the offense(s) of POSS OF CHILD PORNOGRAPHY:

✓ to serve a term of five (5) days/months/years
in the Brazos County Jail
✓ in the Institutional Division of the Texas Department of Criminal Justice
in a State Jail Facility
work release is authorized

each S U M T W Th F Sa from _____ m. until _____ m.
according to the schedule _____
to be held in the Brazos County Jail

without bail, until further order of this Court
until transported to a Substance Abuse Felony Punishment Facility
pending appeal from his conviction of a felony
until sufficient bail is posted in the amount of \$ _____
in cash or surety bond form
in personal bond form

upon the attached conditions; _____ without conditions
to be released from custody on the above charge(s)

CREDIT FOR TIME SERVED

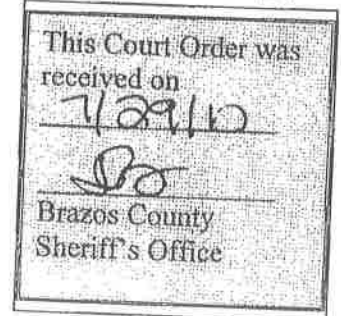
UPON RELEASE, Defendant is to report to the Brazos County District Clerk (Collections) to pay court costs of \$ 635.00; attorney fees of \$ _____; fine of \$ _____; restitution of \$ _____; lay-out court costs of \$ _____

TO RUN ~~CONCURRENT~~ WITH Count 1 of 09-02494-CRF-272
Consecutive

SPECIAL INSTRUCTIONS: to run concurrent with Counts 4, 5, 6, 7, 8, 9 and 10

SIGNED this the 29th day of July, 2010.

[Signature]
Presiding Judge



CAUSE NO. 09.02494.CRF.272

THE STATE OF TEXAS

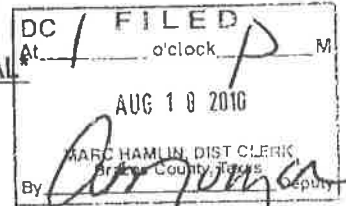
§
§
§
§
§IN THE 272 DISTRICT COURT
COUNTY COURT AT LAW NO. 112

VS.

Gregg Baird

OF BRAZOS COUNTY, TEXAS

TRIAL COURT'S CERTIFICATION OF DEFENDANT'S RIGHT OF APPEAL



I, Judge of the trial court, certify this criminal case:

☒ Is not a plea-bargain case, AS to punishment and the defendant has the right of appeal. [or]☒ is a plea-bargain case, but matters were raised by written motion filed and ruled on before trial and not withdrawn or waived, and the defendant has the right of appeal. [or]☒ a plea-bargain case, but the trial court has given permission to appeal, and the defendant has the right of appeal. [or]☐ Is a plea-bargain case, and the defendant has NO right of appeal. [or]☐ The defendant has waived the right of appeal.

[Signature]
Judge

7-28-10
Date Signed

I have received a copy of this certification. I have also been informed of my rights concerning any appeal of this criminal case, including any right to file a pro se petition for discretionary review pursuant to Rule 68 of the Texas Rules of Appellate Procedure. I have been admonished that my attorney must mail a copy of the court of appeal's judgment and opinion to my last known address and that I have only 30 days in which to file a pro se petition for discretionary review in the court of appeals. TEX. R. APP. P. 68.2 I acknowledge that, if I wish to appeal this case and if I am entitled to do so, it is my duty to inform my appellate attorney, by written communication, of any change in the address at which I am currently living or any change in my current prison unit. I understand that, because of appellate deadlines, if I fail to timely inform my appellate attorney of any change in my address, I may lose the opportunity to file a pro se petition for discretionary review.

Defendant (if not represented by counsel)

Mailing address: _____

Telephone number: _____

Fax number (if any): _____

Rick Wetzel

Defendant's Counsel

State Bar of Texas ID number: 21236300Mailing address: 1411 West AveAustin, TX 78701Telephone number: 512-469-7543Fax number (if any): 512-474-5994

* "A defendant in a criminal case has the right of appeal under these rules. The trial court shall enter a certification of the defendant's right to appeal in every case in which it enters a judgment of guilt or other appealable order. In a plea bargain case – that is, a case in which a defendant's plea was guilty or nolo contendere and the punishment did not exceed the punishment recommended by the prosecutor and agreed to by the defendant – a defendant may appeal only: (A) those matters that were raised by written motion filed and ruled on before trial, or (B) after getting the trial court's permission to appeal." TEXAS RULE OF APPELLATE PROCEDURE 25.2(a)(2).

NO. 09-02494-CRF-22

COUNT ONE

THE STATE OF TEXAS

X

IN THE

272ND

DISTRICT COURT

VS.

X

OF

X

BRAZOS COUNTY, TEXAS

Gregg BairdREQUEST TO CONSIDER UNADJUDICATED OFFENSES

DC <u>3</u>	RECEIVED
At <u>3</u>	o'clock <u>P</u> M
MAR 11 2010	
MARC HAMLIN, DIST CLERK Brazos County, Texas	
By <u>Amir</u> Deputy	

I, the undersigned defendant hereby admit my guilt to the following unadjudicated offenses:

CAUSE #	COURT	COUNTY	CHARGE	PROSECUTOR'S APPROVAL
1. 09-02492-CRF-272	Cts. 1-4	Brazos	Poss. Child Porn. x 4	spp
2. 09-02493-CRF-272	Cts. 1-3	Brazos	Poss. Child Porn. x 3	
3. 09-02494-CRF-272	Cts. 11-13	Brazos	Poss. Child Porn. x 3	
4. 09-02495-CRF-272	Cts. 1-20	Brazos	Poss. Child Porn. x 20	
5. 09-02496-CRF-272	Cts. 1-20	Brazos	Poss. Child Porn. x 20	✓

and request that the court take into account the offenses in determining sentence in the above entitled and numbered cause.

DATE: 3/1/10

DEFENDANT

APPROVED BY:

ASST./DISTRICT ATTORNEY

DEFENDANT'S ATTORNEY

DC <u>1</u>	FILED
At <u>1</u>	o'clock <u>P</u> M
AUG 18 2010	
MARC HAMLIN, DIST CLERK Brazos County, Texas	
By <u>Amir</u> Deputy	

ORDER BARRING PROSECUTION AND RELEASE FROM CHARGES

On this day, the court having heard the above named defendant admit his guilt to the unadjudicated offenses set forth in the Request to Consider Unadjudicated Offenses and the prosecuting attorney having consented thereto by his signature affixed thereto;

It is hereby ordered, adjudged and decreed that prosecution of the above named defendant for the offenses set forth in the said request is hereby barred in accordance with 12.45 T.P.C. and the defendant is ordered released from the charges enumerated above.

Signed this 29 day of July, 20 10.State's Ex No
3

WHITE-CLERK
YELLOW-DISTRICT ATTORNEY
PINK-VICTIM
GOLDENROD-JAIL

COPY TO EACH COURT IN WHICH CASE IS ENUMERATED (in court)

ST. EX. # 3Def's Page 148Defendant's Right Thumb. Date: 07-29-10JUDGE, 272ND DISTRICT COURT

NO. 09-02494-CRF-272COUNT ONE

THE STATE OF TEXAS

X

IN THE

272ND

DISTRICT COURT

VS.

X

OF

X

BRAZOS COUNTY, TEXAS

Gregg Baird

DC	RECEIVED
At <u>3</u>	o'clock <u>P</u> M
MAR 11 2010	
MARC HAMLIN, DIST CLERK Brazos County, Texas	
By <u>[Signature]</u> Deputy	

REQUEST TO CONSIDER UNADJUDICATED OFFENSES

I, the undersigned defendant hereby admit my guilt to the following unadjudicated offenses:

CAUSE #COURTCOUNTYCHARGEPROSECUTOR'S
APPROVAL

1. 09-02497-CRF-272 Cts. 1-20 Brazos Poss. Child Porn. x20
2. 09-02498-CRF-272 Cts. 1-20 Brazos Poss. Child Porn. x20

SFP

and request that the court take into account the offenses in determining sentence in the above entitled and numbered cause.

DATE: 3/1/10[Signature]
DEFENDANT[Signature]
DEFENDANT'S ATTORNEY

APPROVED BY:

[Signature]
ASST. DISTRICT ATTORNEY

DC	FILED
At <u>1</u>	o'clock <u>P</u> M
AUG 18 2010	
MARC HAMLIN, DIST CLERK Brazos County, Texas	
By <u>[Signature]</u> Deputy	

ORDER BARRING PROSECUTION AND RELEASE FROM CHARGES

On this day, the court having heard the above named defendant admit his guilt to the unadjudicated offenses set forth in the Request to Consider Unadjudicated Offenses and the prosecuting attorney having consented thereto by his signature affixed thereto;

It is hereby ordered, adjudged and decreed that prosecution of the above named defendant for the offenses set forth in the said request is hereby barred in accordance with 12.45 T.P.C. and the defendant is ordered released from the charges enumerated above.

Signed this 29 day of July, 2010.State's Ex No
3 A[Signature]
JUDGE, 272ND DISTRICT COURT

WHITE-CLERK
YELLOW-DISTRICT ATTORNEY
PINK-VICTIM
GOLDENROD-JAIL
COPY TO EACH COURT IN WHICH CASE IS ENUMERATED (in court)

Defendant's Right Thumb - Date: 07-29-10ST. EX. # 4Page 149